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ORIGINAL FILED

APR 29 2013

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

E-filing

12
13 UNITED STATES DISTRICT COURT

14 **ADR** NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION

15
16 TEMINA ADGER,

17 Plaintiff,

18 vs.

19 WELLS FARGO BANK, NATIONAL
ASSOCIATION an FDIC insured corporation
20 and DOES 1 through 100 inclusive,

21 Defendants.
22

CV 13-01958 HRL

Federal Case No.:

State Case No.: 113CV244156

**WELLS FARGO BANK, N.A.'S NOTICE
OF REMOVAL**

23 **TO THE CLERK OF THE ABOVE-ENTITLED COURT; THE HONORABLE UNITED**
24 **STATES DISTRICT JUDGE AS ASSIGNED; PLAINTIFF AND HER ATTORNEYS OF**
25 **RECORD:**

26 PLEASE TAKE NOTICE that defendant Wells Fargo Bank, N.A. ("Wells Fargo"), hereby
27 provides this Notice of Removal based on federal question jurisdiction, pursuant to 28 U.S.C.
28 § 1446, and hereby removes to this Court the state court action described below.

copy

1 **I. THE STATE COURT ACTION**

2 On April 4, 2013, plaintiff Temina Adger ("Plaintiff") filed the complaint in Case No.
3 113CV244156, entitled as captioned above, in the Superior Court of the State of California,
4 County of Santa Clara (the "State Court Action").

5 In the Complaint Plaintiff asserts three causes of action: (1) violation of Fair Credit
6 Reporting Act; (2) violation of California Consumer Credit Reporting Agencies Act; and
7 (3) violation of California Unfair Business Practices Act.

8 Plaintiff served Wells Fargo on April 8, 2013.

9 Attached collectively hereto as **Exhibit A** are a copy of the complaint and all other papers
10 in Wells Fargo's possession either filed by Plaintiff or issued by the Court as of the time of filing
11 this Notice of Removal.

12 **II. FEDERAL QUESTION JURISDICTION**

13 1. This is a civil action over which this Court has original jurisdiction. 28 U.S.C.
14 § 1331 (governing federal question jurisdiction). The state court action is removable pursuant to
15 28 U.S.C. § 1441(b) because it arises under the Fair Credit Reporting Act—15 U.S.C.
16 § 1681s-2(b)—a federal statute.

17 2. In addition, this Court has supplemental jurisdiction over the remaining two claims
18 listed in Plaintiff's complaint, which purport to be grounded in state law. *See* 28 U.S.C. §§ 1367(a)
19 and 1441(c).

20 **III. TIMELINESS**

21 This Notice is timely, pursuant to 28 U.S.C. § 1446(b), because Wells Fargo was served
22 with the complaint on April 8, 2013.

23 **IV. OTHER PERTINENT INFORMATION**

24 A. Pursuant to 28 U.S.C. § 1446(a), Wells Fargo files this Notice in the District Court
25 of the United States for the district and division within which the State Court Action is pending.
26 As such, this case is being removed to the United States District Court for the Northern District of
27 California, San Jose Division, because the State Court Action is pending in Santa Clara County.
28 *See* 28 U.S.C. § 1441(a); Civil L.R. 3-2(e).

1 B. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice with its attachments will
2 promptly be served on plaintiff in the State Court Action, and notice thereof will be filed with the
3 clerk of the Santa Clara County Superior Court.

4 WHEREFORE, Wells Fargo hereby removes Santa Clara County Superior Court Case
5 No. 113CV244156 to the United States District Court for the Northern District of California.

6
7 DATED: April 29, 2013

SEVERSON & WERSON
A Professional Corporation

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10 By: /s/ Alisa A. Givental
Alisa A. Givental

11 Attorneys for Defendant WELLS FARGO BANK, N.A.
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